

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAMES ANDRÉ COVERSON,

Plaintiff

VS.

BETTY LANCE, *et al.*,

Defendants

NO. 5:07-CV-17 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

RECOMMENDATION

Defendants herein have filed a motion to dismiss the above-styled action citing the plaintiff's failure to exhaust the administrative remedies available to him as required by the Prison Litigation Reform Act of 1995. Tab #28. Plaintiff JAMES ANDRÉ COVERSON has filed a response and an "additional response" to the defendants' motion (Tabs #30 and #31), but has failed to file a subsequent response as the court directed him to do in an order dated May 18, 2007. Tab #32. There is, therefore, insufficient evidence before the court demonstrating that plaintiff Coverson had exhausted the administrated remedies available within the prison system when he filed this suit.

Accordingly, IT IS RECOMMENDED that the defendants' Motion to Dismiss (Tab #28) be **GRANTED** and that this case be **DISMISSED** *without prejudice*.¹ Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED this 1st day of NOVEMBER, 2007.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is fluid and cursive.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹All dismissals for failure to exhaust administrative remedies must be without prejudice.